



PROPOSED RULE MAKING  
(RCW 34.05.320)

CR-102 (7/22/01)  
Do NOT use for expedited  
rule making

Agency: Public Disclosure Commission

- ☒ Preproposal Statement of Inquiry was filed as WSR 03-13-104; or  
☐ Expedited Rule Making -- Proposed notice was filed as WSR \_\_\_\_\_; or  
☐ Proposal is exempt under RCW 34.05.310(4).

- ☒ Original Notice  
☐ Supplemental Notice  
to WSR \_\_\_\_\_  
☐ Continuance of WSR \_\_\_\_\_

(a) Title of rule: (Describe Subject) Title 390 WAC -- Rules relating to out-of-state or federal political committees (WAC 390-16-050 and 055), Electronic filing (WAC 390-19-030), reporting of campaign expenditures (WAC 390-16-037, 041 and 205) and small contributors of twenty-five dollars or less (new rule WAC 390-17-105).

Purpose: To clarify reporting requirements for candidates and political committees.

Other identifying information:

(b) Statutory authority for adoption: RCW 42.17.370

Statute being implemented: chapter 42.17 RCW

(c) Summary: The proposed rule amendment to WAC 390-16-050 and repeal of WAC 390-16-055 conforms to statutory provisions of House Bill 1294, which became effective on July 27, 2003. The proposed rule amendment to WAC 390-19-030 reflects the new statutory threshold level for electronic filing and establishes an additional benchmark for filers. The proposed amendments to WAC 390-16-037, WAC 390-16-041 and WAC 390-16-205 would provide clarification and examples to filers on reporting campaign expenditures. New WAC 390-17-105 implements requirements of a King County Superior Court permanent injunction regarding small contributors.

Reasons supporting proposal: The proposed amendments and new rule will clarify the statutory requirements under chapter 42.17 RCW and provide guidance to those entities required to disclose campaign contributions and expenditures.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Doug Ellis	PDC 711 /Capitol Way, Rm 206, Olympia	(360) 664-2735
2. Implementation.... Doug Ellis	PDC 711 /Capitol Way, Rm 206, Olympia	(360) 664-2735
3. Enforcement..... Phil Stutzman	PDC 711 /Capitol Way, Rm 206, Olympia	(360) 664-8853

(e) Name of proponent (person or organization):  
☐ Private  
☐ Public  
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:  
None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If yes, ATTACH COPY OF TEXT

Citation: Washington Education Association Political Action Committee v.  
Public Disclosure Commission, King County Superior Court, NO. 01-2-  
29388-5KNT

(h) HEARING LOCATION:

Commission Hearing Room  
Evergreen Plaza Building  
711 Capitol Way, Room 206  
Olympia, WA

Date: December 10, 2003 Time: 9 a.m.

Assistance for persons with disabilities: Contact  
Ruthann Bryant by Telephone

TDD ( ) \_\_\_\_\_ or (360) 753-1111

NAME (TYPE OR PRINT)

Susan Harris

SIGNATURE

TITLE

Assistant Director

DATE

11/3/03

Submit written comments to:

Doug Ellis (dellis@pdc.wa.gov)  
Public Disclosure Commission  
PO Box 40908  
Olympia, WA 98504-0908  
FAX (360) 753-1112 By (date) December 2, 2003

DATE OF INTENDED ADOPTION: December 10, 2003

CODE REVISER USE ONLY

CODE REVISER USE ONLY	
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TIME	932
WSR	03-22-066
PM	

(COMPLETE REVERSE SIDE)

(j) Short explanation of rule, its purpose, and anticipated effects:

The proposed rule amendments to WAC 390-16-050 and repeal of WAC 390-16-055 reflect changes to PDC form C-5 and would eliminate the forfeiture rule. The proposed amendments would implement the provisions House Bill 1294 which became effective on July 27, 2003.

Proposed amendments to WAC 390-19-030 reflect the new threshold level for mandatory electronic filing on January 1, 2004 and establishes an additional benchmark for determining when a filer can reasonably "expect to expend" an amount equal to or more than \$10,000.

New WAC 390-17-105 is in response to a King County Superior Court injunction enjoining the Commission from taking action to enforce RCW 42.17.680(4) by requiring employers to disclose the names or signatures of such individuals who have made contributions in the amount of twenty-five dollars or less during the year.

Proposed amendments to WAC 390-16-037, WAC 390-16-041 and WAC 390-16-205 clarify the reporting requirements to provide a detailed breakdown of campaign expenditures and provides examples of how these campaign expenditures should be reported on PDC forms.

Does proposal change existing rules? ☒ YES ☐ NO

If yes, describe changes:

The proposed rule changes clarify and provide guidance to individuals, candidates and political committees on the statutory requirements of chapter 42.17 RCW.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

☐ Yes. Attach copy of small business economic impact statement.  
A copy of the statement may be obtained by writing to:

telephoning: (     )  
faxing: (     )

☒ No. Explain why no statement was prepared

The implementation of this rule has minimal impact small businesses.

(l) Does RCW 34.05.328 apply to this rule adoption? ☐ Yes ☒ No

Please explain:

The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date JARRC has not made section 201 applicable to this rule adoption.

NEW SECTION

**WAC 390-17-105 Small contributors of twenty-five dollars or less.** (1) To comply with RCW 42.17.680(4), each person or entity who withholds contributions of individuals shall, in lieu of disclosing the names and signatures, substitute unique numerical identifiers for persons making contributions in the amount of twenty-five dollars or less during a calendar or fiscal year on the signed withholding authorization form or on other documents (such as payroll deductions) subject to RCW 42.17.680(4).

(2) Contribution withholding authorization forms or payroll deduction documentation of contributors whose annual aggregate contribution is twenty-five dollars or less during any calendar or fiscal year are not required by the commission to be made available for public inspection or copying when such records display the names, signatures, home addresses, Social Security numbers, or other information capable of personally identifying contributors whose annual aggregate contribution is twenty-five dollars or less during any calendar or fiscal year.

(3) The names, signatures, home addresses, Social Security numbers or other information capable of personally identifying contributors whose annual aggregate contribution to a person or entity is twenty-five dollars or less during any calendar or fiscal year shall not be provided by the commission to the public or made available for public inspection or copying.

(4) Each person or entity who withholds contributions under RCW 42.17.680 shall, upon request, deliver to the commission documents of books and accounts described in RCW 42.17.680(4).

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3 HON. RICHARD McDERMOTT  
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10 STATE OF WASHINGTON  
KING COUNTY SUPERIOR COURT

11 WASHINGTON EDUCATION  
12 ASSOCIATION POLITICAL ACTION  
13 COMMITTEE, on behalf of itself and its  
members,

14 Plaintiff,

15 v.

16 WASHINGTON STATE PUBLIC  
DISCLOSURE COMMISSION,

17 Defendant.

NO. 01-2-29388-5KNT

STIPULATION FOR AND  
ORDER OF PERMANENT  
INJUNCTION

18 STIPULATION

19 COMES NOW the Plaintiff, WASHINGTON EDUCATION ASSOCIATION POLITICAL  
20 ACTION COMMITTEE, and the Defendant, WASHINGTON STATE PUBLIC DISCLOSURE  
21 COMMISSION, and in order to reach a final and mutually acceptable determination of the rights of  
22 the parties in this action, by and through their undersigned attorneys hereby stipulate and agree that  
23 the Preliminary Injunction entered herein on December 21, 2001 may be made permanent, without

STIPULATION FOR AND ORDER  
OF PERMANENT INJUNCTION - 1

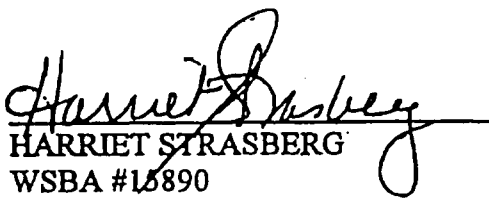
HARRIET STRASBERG  
ATTORNEY AT LAW  
3136 Maringo Rd. SE  
Olympia, WA 98501  
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ORIGINAL

1 bond. The parties further stipulate and agree that neither party will appeal entry of the order of  
2 permanent injunction pursuant to this stipulation, and that each party will bear its own costs and  
3 fees herein, to include attorney fees.

4 DATED this 6 day of February 2003.

6 CHRISTINE O. GREGOIRE  
Attorney General

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9 HARRIET STRASBERG  
WSBA #15890  
10 Attorney for Plaintiff

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13 LINDA A. DALTON, WSBA #15467  
14 Senior Assistant Attorney General  
15 Attorney for Defendant

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**ORDER OF PERMANENT INJUNCTION**

THIS MATTER came on regularly before the undersigned judge of the above-entitled  
Court. The Plaintiff, WASHINGTON EDUCATION ASSOCIATION POLITICAL ACTION  
COMMITTEE, by and through its attorney Harriet K. Strasberg, and the Defendant,  
WASHINGTON STATE PUBLIC DISCLOSURE COMMISSION, by and through Christine O.  
Gregoire, Attorney General and Linda A. Dalton, Sr. Assistant Attorney General, have entered into  
the foregoing written stipulation for the purpose of reaching a final determination of the rights of  
the parties in this action. The stipulation of the parties provides that the Preliminary Injunction  
entered herein on December 21, 2001 may be made permanent, without bond, that neither party will  
appeal entry of the order of permanent injunction pursuant to the stipulation, and that each party  
will bear its own costs and fees herein, to include attorney fees. The Court, having reviewed the

STIPULATION FOR AND ORDER  
OF PERMANENT INJUNCTION - 2

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1 records and files herein, and having considered the statements of counsel, and having found the  
2 stipulated agreement of the parties to be a just and proper resolution of this matter, and being  
3 otherwise fully advised in the premises, now therefore:

4 IT IS HEREBY ORDERED that the Defendant, WASHINGTON STATE PUBLIC  
5 DISCLOSURE COMMISSION, and its officers, members, agents, staff, attorneys and all those in  
6 active concert or participation with them shall be, and hereby are PERMANENTLY ENJOINED  
7 from taking any direct or indirect action to enforce RCW 42.17.680(4) in a manner that requires  
8 employers of individuals who contribute or who have contributed to WEA-PAC through payroll  
9 deduction to disclose the names or signatures of such individuals who have made contributions to  
10 WEA-PAC in the amount of \$25 (twenty five dollars) or less during each calendar or fiscal year;  
11 PROVIDED, HOWEVER, that in lieu of disclosing these names and signatures, the Defendant  
12 shall require employers to substitute unique numerical identifiers for the names and signatures of  
13 persons who have made contributions to WEA-PAC in the amount of \$25 or less during the  
14 calendar year on the contribution withholding authorizations signed by these contributors and on  
15 other documents subject to RCW 42.17.680(4).  
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18 IT IS FURTHER ORDERED that the Defendant, WASHINGTON STATE PUBLIC  
19 DISCLOSURE COMMISSION, and its officers, members, agents, staff, attorneys and all those in  
20 active concert or participation with them shall be, and hereby are PERMANENTLY ENJOINED  
21 from taking any direct or indirect action to provide or allow public inspection or copying of  
22 contribution withholding authorization forms or payroll deduction documentation obtained by the  
23 Defendant to any third party where such records display the names, signatures, home addresses,

STIPULATION FOR AND ORDER  
OF PERMANENT INJUNCTION - 3

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1 social security numbers or other information capable of personally identifying any WEA-PAC  
2 contributors whose annual aggregate contribution to WEA-PAC is \$25 or less during any calendar  
3 or fiscal year.

4 This Court shall retain jurisdiction of this matter for enforcement of this Injunction, and, in  
5 the event an action is brought to assert a violation of this Injunction, the prevailing party shall be  
6 entitled to reasonable attorneys' fees and costs for the challenge.

8 PLAINTIFF shall not be required to post a bond in this matter.

9 COST AND FEES are to be borne by the respective parties.

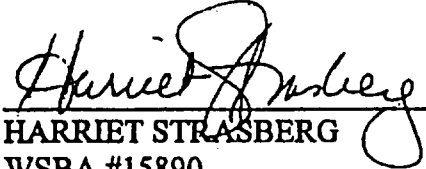
10 DONE IN OPEN COURT this 12<sup>th</sup> day of February 2003.


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14 JUDGE RICHARD McDERMOTT

15 Presented by:

Approved as to form, Notice of  
Presentation waived:

17 CHRISTINE O. GREGOIRE  
18 Attorney General

19   
20 HARRIET STRASBERG  
21 WSBA #15890  
22 Attorney for Plaintiff

23   
LINDA A. DALTON.  
WSBA # 15467  
Senior Assistant Attorney General  
Attorney for Defendant

STIPULATION FOR AND ORDER  
OF PERMANENT INJUNCTION - 4

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